

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

January 11, 2008

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 06OD-045

Oahu

Amend prior Board action of February 24, 2006 (Agenda Item D-7), by rescinding authorization to allow the Chair to negotiate a Memorandum of Agreement concerning Waimea Valley, Waimea, Wailua, Oahu.

REMARKS:

At its February 24, 2006 meeting, under agenda item D-7, the Board of Land and Natural Resources (BLNR):

1. Authorized the expenditure of a \$1,600,000 emergency appropriation, subject to appropriate bills becoming law;
2. Authorized the Chairperson to negotiate a Memorandum of Agreement with appropriate parties, with the terms and conditions subject to the review and approval by the Board and the Department of the Attorney General; and
3. Authorized the Chairperson to negotiate and approve the terms and conditions of a conservation and/or public access easements pursuant to Haw. Rev. Stat. chapter 198, subject to the review and approval by the Department of the Attorney General.

On April 24, 2006, the Governor of Hawaii signed Act 15, Session Laws of Hawaii 2006, making an emergency appropriation for the acquisition of Waimea Valley. These funds were combined with other federal, State and City and County of Honolulu monies for the settlement of the City's condemnation of Waimea Valley, and subsequent transfer of Waimea Valley to Office of Hawaiian Affairs ("OHA") pursuant to the condemnation Settlement Agreement.

Pursuant to BLNR's approval and the Settlement Agreement, the Office of Hawaiian Affairs immediately granted the City and County of Honolulu and the State of Hawaii, through its BLNR, a Conservation and Access Easement over TMKs (1) 5-9-05:22, 24, 25,

January 11, 2008

29 & 76 and (1) 6-1-02:02, 03, 14, 15, 16, 17, 19, 20 & 21. Said easement was recorded in the Bureau of Conveyances on June 30, 2006 and is intended to protect Waimea Valley from future development threats.

Notwithstanding the establishment of this Conservation and Access Easement in 2006, the project file remains open as a result of the remaining BLNR authorization of the Chairperson to negotiate a MOA subject to terms and conditions being subsequently presented to the BLNR for review and approval.

The MOA between OHA and DLNR, which was briefly contemplated in 2006, is no longer being pursued by DLNR or OHA because of the successful establishment of the aforementioned Conservation and Access Easement.


Solicited comments from OHA confirming an MOA is no longer necessary are attached.

Consequently, BLNR is being requested to consider amending its prior action of February 24, 2006, under agenda item D-7, by rescinding its prior authorization for the Chairperson to negotiate a MOA with appropriate parties, thus allowing staff to close this file.

RECOMMENDATION: That the Board amend its prior action of February 24, 2006, under agenda item D-7, by rescinding the following action:

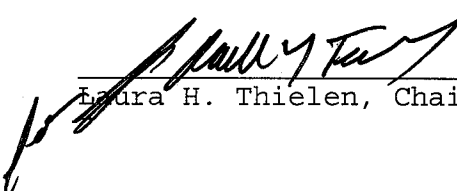
- 1) Authorize the Chairperson to negotiate a Memorandum of Agreement with appropriate parties, with the terms and conditions subject to the review and approval by the Board and the Department of the Attorney General.

Respectfully Submitted,




Gavin Chun  
Project Development Specialist

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





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DEPT. OF LAND & NATURAL RESOURCES  
STATE OF HAWAII

PSF 060D-045

November 28, 2007

Mr. Gavin Chun, Project Development Specialist  
Department of Land and Natural Resources  
Land Division  
Post Office Box 621  
Honolulu, Hawai'i 96809

**Re: Memorandum of Agreement concerning Waimea Valley between the Office of  
Hawaiian Affairs and the Department of Land and Natural Resources**

Aloha e Gavin,

Under agenda item D-7 per February 24, 2006 BLNR Board action, as of November 28, 2007,  
OHA concurs to rescind the following action item:

1. Authorize the Chairperson to negotiate a Memorandum of Agreement with appropriate parties, with the terms and conditions subject to the review and approval by the Board and the Department of the Attorney General.

The final draft of the Grant of Conservation and Access Easement dated 06/22/06 has been adopted by all necessary parties. Therefore, OHA does not foresee the need to negotiate and or execute an MOA concerning Waimea Valley.

Please feel free to contact OHA if you have any questions or comments.

'O wau iho nō,

A handwritten signature in black ink, appearing to read "Clyde W. Namu'o".

Clyde W. Namu'o  
Adminstrator